

Appl. No. 10/689,488
Amdt. Dated January 5, 2005
Reply to Office Action of October 5, 2005

Docket No. CE11095J1260
Customer No. 24,273

REMARKS/ARGUMENTS

Claim Rejections – 35 USC § 102

Claims 1-3, 6, 8, 9-11, 14, 16, 17, and 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Matsumoto (US 2003/0228847).

The pending independent claims are claims 1, 9, and 17, all of which are rejected here under Matsumoto.

Matsumoto discloses a mobile phone having a camera section 21. The mobile phone also includes a display 23 that is fixedly mounted in a rotating body section 11. When using the camera, the display is operable in one of two states: In the first display state, the display displays an image stored in memory, or one received, as described in paragraph 36: "In the first display state, the display section 11 displays an image stored in a memory (not shown) of the cellular telephone 1 or a received image"). In the second display state "the display section 11 serves as a monitor, and displays an image being taken by the camera section 21." A control section in the main body of the phone is connected to a detection switch for detecting the position of the rotatable body section, as also described in paragraph 36. The detection switch is needed because the body section in which the display is fixedly mounted is rotated by the user of the phone between a position to use the display as a monitor, and a position to see the captured image. Switching of the display state is performed automatically, but rotation of the body section is performed manually. The main body section contains a button for overriding the automatic switching of the display state, and toggling the display state without rotation of the folding section.

What Matsumoto discloses is quite distinguishable from Applicant's claimed invention. Applicant's claimed invention includes a rotatable display module. Matsumoto does not show this. In Matsumoto the display is fixedly mounted in a rotating body section. Examiner's attention is drawn, for example, to the earpiece 26 of Matsumoto, which is clearly fixed in the folding section, and does not rotate with respect to the folding section. Likewise, the display 23 does not rotate with respect to the folding section, as claimed, for example, in claim 1, which recites that the "display module rotates *in* the first body portion." The display module is "shown by itself" (page 5, lines 17-18) in FIG. 6. It comprises a display element and axial bosses 502 for supporting the display element. As described in the instant application and as illustrated in the

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accompanying drawings, the display module does not include, for example, an earpiece, or other components unrelated to the display element or features for supporting the display element.

Furthermore, Applicant's display module rotates automatically, as recited in the independent claims. Examiner cited paragraphs 35-42 of Matsumoto as teaching the display of Matsumoto is automatically rotated with movement of the folding section, that Matsumoto teaches the use of gears to rotate the display, and that a switch is used for causing automatic rotation. This is incorrect. What Matsumoto teaches is that the *display state* is automatically switched from the first display state for displaying an image from memory, to a second display state for use as a monitor of the camera. Applicant notes that no gears are shown in FIGs. 3, 4 of Matsumoto that resemble those shown by Applicant in FIGs. 10, 11, 13, and 14. Applicant is likewise unable to find mention of a motor for rotating the display as shown by Applicant in FIG. 14 and claimed in claims 8 and 16.

With regard to alignment of the viewing surface, the alignment of the viewing surface of the display of Matsumoto never changes because the display is fixed in the folding portion and does not rotate by itself. Matsumoto recites in paragraph 35 "the LCD 23 is arranged on the inner surface of the cover 4 so that its display surface is opposed to the operation section 6 on the main body 3." No other alignment is taught or suggested by Matsumoto. Thus, Matsumoto does not teach Applicant's limitation of "the viewing surface is aligned with an outside surface of the first body portion when the first body portion is in the closed position and is aligned with an inside surface of the first body portion when the first body portion is in the open position."

Thus, Matsumoto does not teach a display module rotatably mounted in a body portion of a device; nor does Matsumoto teach automatic rotation of the display; nor does Matsumoto teach that the viewing surface changes alignment with regard to the body portion in which it is mounted as the body portion is moved relative to another body portion. As one or more of these limitations are in each of independent claims 1, 9, and 17, Applicant respectfully submits that Matsumoto does not anticipate Applicant's claimed invention. Thus, as Applicant believes all independent claims as allowable, all dependent claims are likewise believed to be allowable.

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Claim Rejections – 35 USC § 103

Claims 4, 5, 7, 12, 13, 15, 18, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto in view of Nakamura et al (US 6,829,490).

Applicant invokes the arguments made hereinabove with regard to Matsumoto. As these claims are all dependent on claims Applicant regards as allowable, applicant likewise believes these claims are allowable.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

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